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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Nepal

Addendum

Replies of Nepal to the list of issues and questions*

[Date received: 25 September 2018]

* The present document is being issued without formal editing.

Please recycle

Background

1. The Government of Nepal (GoN) has submitted its sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to the UN (CEDAW/C/NPL/6) on 18th April 2017. The Sixth Periodic Report has been scheduled for consideration by the Committee on the Elimination of All Forms of Discrimination against Women (the Committee) at its 71st session which is scheduled for October 2018 at UN House in Geneva. In preparation of the consideration of the report of Nepal, the Committee adopted a list of issues (CEDAW/C/NPL/Q/6) (the list of issues), with the view of supplementing the sixth periodic report with additional information to enable the Committee to assess the state of implementation of rights and provisions provided for in the Convention.

2. The GoN has prepared this written response to provide additional information with regard to the list of issues. This response endeavours not to repeat or overlap the information provided in the Sixth Periodic Report to the Committee. This response reflects the achievements and actions of the GoN to respect, protect and promote the rights of women and to end all forms of discrimination against them. The GoN reiterates its firm commitment for full implementation of the CEDAW in Nepal. This response has been prepared in close coordination and collaboration with the relevant Ministries, stakeholders and civil society organizations.

Legal status of the Convention and definition of discrimination

3. In its sixth periodic report, the State party indicates that, in 2015, a new Constitution was adopted by the Constituent Assembly and that discrimination on any grounds is now prohibited (CEDAW/C/NPL/6, paras. 2 and 8). The State party also indicates that it has, by an act amending some legislation relating to gender equality and ending gender-based violence, adopted in 2015, repealed any remaining gender-discriminatory legal provisions, thereby bringing 88 legal provisions into conformity with the principles of gender equality set out in the Constitution and the Convention (para. 11). However, there is no mention of specific measures taken to review relevant laws to align the definition of discrimination with article 1 of the Convention, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, paras. 9–10). Please provide information on the steps taken, including a time frame, to amend legislation in order to include therein a definition of discrimination against women that is in line with article 1 of the Convention. Please state the number of instances in which national courts have made reference to the provisions of the Convention (see CEDAW/C/NPL/Q/6, para. 1).

4. In order to fully implement the provisions relating to fundamental rights as conferred by the Constitution, as provided for in Article 47, a time frame of three years from the commencement of the Constitution has been set to enact necessary legislations. In conformity with this requirement, the Federal Parliament has enacted 16 different laws to give effect to fundamental rights. The list of new Acts enacted by the Federal Parliament of Nepal to implement the fundamental rights is presented in Annex I.

5. Chapter 3, Sections 17, 18 and 19 of the National Civil Code Act, 2017 (Civil Code), provides for equality of all citizens, right against discrimination, and include provisions of positive discrimination. Section 19 of the Civil Code clearly provides that special measures ensured by the law for the protection, empowerment and development of the citizens including the socially or culturally backward women, *Dalit*, indigenous people, indigenous nationalities, *Madhesi*, *Tharu*, *Muslim*, oppressed class, minorities, the marginalized farmers, labours, youth, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant women,

incapacitated or helpless, backward region and indigent *Khas Arya* are not considered as discrimination.

6. Chapter 10, Sections 160 of the National Penal Code Act. 2017 (Penal Code) criminalizes discrimination. Section 160 reads "Except otherwise provided for by a law in force, no public official shall, while exercising the authority according to law, make a discriminatory treatment against any citizen on the grounds of origin, religion, race, sex, caste, tribe, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds." Whoever commits such offence shall be liable to a punishment of imprisonment not exceeding three years or a fine of thirty thousand rupees or with the both.

7. The Supreme Court of Nepal (SC) has referred to various provisions of CEDAW in a number of landmark decisions which contributed to establish the rights of women both constitutionally and legally. The SC has referred to relevant provision of the CEDAW in three adjudicated cases during the FY 2017/18. The summary of the cases are presented in Annex II.

8. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor gender equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding legislation that governs the system for the collection, sharing and analysis of data, disaggregated by sex, age, caste, ethnicity, disability and geographic location, pertaining to all areas covered by the Convention. Please indicate the specific steps being taken to address intersecting and multiple forms of discrimination against women and girls on the basis of caste, class and ethnicity, which are prevalent in Nepalese society, in particular among Dalit and indigenous women and girls. Please also indicate the measures being taken to effectively carry out a law reform process to ensure the harmonization of the provisions of the Convention with national laws on gender equality and non-discrimination (see CEDAW/C/NPL/Q/6, para. 2).

9. Executive, Legislative, Judiciary and other state mechanisms are responsible to ensure gender equality and non-discrimination. The parliamentary oversight mechanism (Women and Social Committee of the House of Representatives) is in place to address the concerns of women and children and to oversee the government functions relating thereto specifically to make the government accountable and to ensure the implementation of the policies and legislation in furtherance of women's rights.

10. The Ministry of Women, Children and Senior Citizen (MoWCSC) at the federal level with roles and responsibilities of formulation of policies and laws concerning gender equality and women's rights standard development, implementation and monitoring of the plan of actions relating thereto. There is the Social Development Ministry in each of the seven Provinces which is responsible for formulation of Province level policies, laws, women's rights standard development, implementation and monitoring of plan of actions, development and implementation of plans to address Gender Based Violence(GBV) issues along with ensuring gender responsive budget. All 753 local level governments are responsible for the protection and promotion of rights of women.

11. All three tiers of the Judiciary (Supreme Court, High Court, and District Court) are empowered to promote and ensure principle of equality and non-discrimination. The SC has a power of judicial review of each of the laws made and administrative

actions taken. In addition, there are 13 Constitutional Commissions out of which eight (namely the National Human Rights Commission, National Women Commission, National *Dalit* Commission, National Inclusion Commission, Indigenous Nationalities Commission, *Madhesi* Commission, *Tharu* Commission, and *Muslim* Commission) deal with issues related to human rights, women's rights, rights of *dalit* and indigenous communities, *madhesi*, *tharu* and *muslim* communities/people, and also deal with the issues of inclusion and inter-sectional elements.

12. The Nepal Census Act, 1958 governs the procedures relating to collection, sharing and analysis of data to be published by the Central Bureau of Statistics. For example, the Central Bureau of Statistics in its Nepal Multiple Indicator Cluster Survey, 2014[1] along with the Nepal National Population and Housing Census, 2011[2] contains data disaggregated by sex, age, caste, ethnicity, disability and geographic location. Meanwhile, a draft bill to amend to the Census Act has been prepared for submission at Federal Parliament which is designed to include provisions of disaggregated data to the extent possible.

13. The Constitution in various Articles 40 (7) Rights of *Dalit* Women; Article 42 Rights to Social Justice; Article 43 Right to Social Security; Article 51 (j) (1) & (2) Policies of the State; Article 18 Right to Equality and Article 38 Rights of Women] address specifically the intersecting and multiple forms of discrimination against women and girls on the basis of caste, class and ethnicity. Article 215 (4) of the Constitution stipulates that the members of the Rural Municipality Executive shall also include four women members elected by the members of Rural Municipal Assembly from amongst themselves and two members elected by the Rural Municipal Assembly from the *Dalit* or minority communities. Similarly, Article 216 (4) of the Constitution stipulates that the members of the Municipal Executive shall also include five women members elected by the members of the Municipal Assembly from amongst themselves and three members elected by the Municipal Assembly from the *Dalit* or minority communities. Local Level Election Act, 2017, Section 6 (2) provides for reservation for two women including a *Dalit* woman to be elected at each Ward Committee of Municipality and Rural Municipality. The Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, the *Tharu* Commission Act, 2017, Indigenous Nationalities Commission Act, 2017 aimed at addressing the intersecting forms of discrimination against women. Section 10A (b), (d), (e), (f) of Scholarship Regulations, 2003provides special scholarship quotas to women, indigenous, *Dalit* and people residing in backward areas.

14. The National Gender Equality Policy is in the drafting stage. Similarly, Second National Strategy and Action Plan on Gender Empowerment and Ending Gender Based Violence is also in the process of drafting at the Office of the Prime Minister and Council of Ministers (OPMCM). In order to ensure substantive equality in health, employment, education and social security through affirmative measures, the MoWCSC has been working to bring an amendment to the relevant legislation.

Access to justice

15. Please provide information on measures taken to improve access to justice for women and girls who are victims of discrimination or gender-based violence, including domestic violence. Please provide information on the legal aid regime that is in place and the extent to which women can access legal aid, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please state and provide relevant data on the measures being taken to improve the implementation rate of court judgments related to gender equality and women's

[1] http://cbs.gov.np/nada/index.php/catalog/46.

[2] Available at http://cbs.gov.np/nada/index.php/catalog/54.

empowerment, which is reportedly low, and to ensure that the Government complies with such judgments. Please provide information on whether the judiciary collects gender-disaggregated data based on adjudicated cases addressing gender equality and non-discrimination (see CEDAW/C/NPL/Q/6, para. 3).

16. There are several laws and policies in place in order to improve access to justice for victims of GBV in Nepal. Some of the key legislations in this respect are: the Domestic Violence (Offense and Punishment) Act, 2009; Human Trafficking and Transportation (Control) Act, 2007; National Women Commission Act, 2017; Citizenship Act, 2006, Penal Code; and an Act to Amend to Some Nepal Acts to Maintain Gender Equality and End Gender Based Violence Act, 2015 among others. Institutional mechanism has also been created in furtherance of access to justice as visualized by the relevant laws.

17. The MoWCSC and National Women Commission (NWC) have been provided specific responsibility in handling cases related to GBV. In new federal set-up, the District Women and Children Offices have recently been merged with the local level (Local Government). This new structure is accountable to protect and promote the rights of women at local level more effectively.

18. Section 23 (c) of the District Court Rules, 1995 provides for continuous hearing of the case related to GBV. The SC has been implementing a number of programs with a view to increase capacity of the relevant judges and court officials on continuous hearing so as to provide expeditious and non-delayed justice to the victims. It mobilises the Central Justice Coordination Committee to ensure implementation and smooth functioning of the continuous hearing process.

19. Article 21 of the Constitution provides for the right of victim of crime. The Act to Amend Some Nepal Acts to Maintain Gender Equality and End Gender based Violence; 2015 further promotes access to justice for women. Section 10 of the Sexual Harassment at Workplace (Control) Act, 2014provides the right to lodge a complaint at the District Administration Office against anyone who commits such offence at the workplace.

20. The Human Trafficking and Transportation Control Act, 2007 has also ensured access of victims to justice by providing specific provisions on the burden of proof to accused. Section 3 (1), 4 and 4 (8) of the Domestic Violence (Offense and Punishment) Act, 2009 has provided for the mechanisms such as Nepal Police, NWC, local level government or court to lodge complaint against the perpetrator of domestic violence. Such cases undergo trial in closed hearings, and should follow summary procedure that ensures judicial procedures at trail court to be completed within 90 days. Victim is entitled to receive compensation from the offender. For the interim relief to the victim, the GoN has established a Gender Based Violence (Elimination) Fund, which is managed by the MoWCSC.

21. Article 217 of the Constitution provides for the formation of Judicial Committee (JC) under the Chair of Vice-Chair Person and Deputy Mayor in each Rural Municipality and Municipality respectively. To execute this provision, Sections 47 and 48 of the Local Level Government Operations Act, 2017 provides for jurisdiction and procedures for hearing by the JC at the local level. There are altogether 753 JCs across the country. The JC has the jurisdiction to adjudicate cases related to negligence in care of elderly citizens, not providing decent food and clothing or education to minor children or issues concerning relationship between husband-wife and defamation. The JC has the jurisdiction to settle disputes related to divorce through mediation. The JC may issue interim protection order to the concerned party in the dispute relating to husband and wife or of protection of senior citizens, or in the interest of their minor child or any other dependent person.

22. The SC has formed the Access to Justice Commission which is dedicated to conduct awareness and sensitization program, formulate strategic plan, recommend policies and coordinate among different institutions to ensure access to justice to women, poor, deprived and incapacitated people in the country. The Office of Attorney General has established victim-friendly rooms in its 58 district offices with focal persons. These offices conduct regular awareness programs to bring awareness to marginalized people about the judicial process and the role of government attorney in criminal justice system. Nepal Police has been contentiously making remarkable efforts to increase access of victim to police services through 205 Women and Children Service Centres at National, Provincial and Local levels.

23. Article 20 (10) of the Constitution ensures the right to free legal aid is provided by law. The Legal Aid Act, 1997 is the major law to provide free legal aid to the indigent persons. This law is now being amended to comply with the constitutional provisions. In addition to this, the Human Trafficking and Transportation (Control) Act, 2007 and Domestic Violence (Offence and Punishment) Act, 2009 ensure free legal aid to victims. Each court, the SC, High Courts and District Courts recruit lawyers every year to provide free legal services to the cases not represented by lawyers. These lawyers are paid by the respective courts. There are several outreach mechanisms that exist currently under judiciary, Nepal Bar Association (pro-bono service), and various commissions including NWC, and *Dalit* Commission and other Non-Governmental Organizations (NGOs). To further enhance the legal aid system, Ministry of Law, Justice and Parliamentary Affairs has prepared a draft of the Integrated Free Legal Aid Policy to reform the free legal aid regime in Nepal. The laws relating to free legal aid are going to be revised on the basis of the new Integrated Legal Aid Policy.

24. During the period between 1990 and 2013 the SC decided altogether 74 cases out of which 20 cases were related to Violence Against Women which covers marital rape, rape, sexual harassment, witchcraft, *Chhaupadi*, *Kamalari*, child marriage, dowry; 13 cases were related to equal property rights covering partition, tenancy, inheritance, woman's property; 13 cases were related to reproductive health, maternity leave, uterine prolapse, abortion, breastfeeding, reproduction, 12 cases were related to identity and citizenship covering citizenship, descent, birth, registration, passport, sexual orientation, six cases were related to Marriage and Family covering incest, marriage, divorce, discrimination between son and daughter, four cases on equality in employment covering foreign employment, discrimination on appointment and term of service, probation period, and six cases were related to special protection covering reservation quota, confidentiality of HIV affected people, gender insensitive advertisement, single women and so on. Furthermore, SC's directives concerning the Dance Bar contribute in furtherance of gender equality and women's empowerment. Relevant agencies of the GoN are enforcing the decisions made in these cases under their respective jurisdiction. As per the constitutional mandate (Article 138) the SC submits its annual report to the President which reflects the nature of cases filed at different courts across the country. The report includes disaggregated data of causes related to sexual harassment, rape, domestic violence, children, human trafficking among others. The report can be accessed by visiting website of the SC.

National machinery for the advancement of women

25. Please indicate whether the recent legislative changes to the National Women Commission, by which it was upgraded to a constitutional body, have also resulted in increased financial resources, personnel, autonomy, independence and accountability (para. 13). Please provide an update on efforts by the Ministry of Finance to institutionalize the gender-responsive budgeting system as a mandatory provision in

the formulation of national budgets and on measures to involve gender focal units to monitor its implementation (para.17). Please state whether gender-responsive budgeting has been integrated at the provincial and local levels (see CEDAW/C/NPL/Q/6, para. 4).

26. The Constitution has upgraded NWC from a statuary to constitutional commission. It has been empowered with wide range of authority and independence coupled with enhanced accountability. The National Women Commission Act, 2017 has been enacted to provide the Commission with legal tools to implement the broad constitutional mandate.

27. Ministry of Finance has a Gender Responsive Budget Committee established and operated under the Gender Responsive Budget Formulation Guidelines, 2013. The Committee has been carrying on its responsibility to ensure gender responsive budget of Federal Government. In the FY 2007/08 portion of gender responsive budget was 11.30% out of the total budget and it has been increased to 23.10% in FY 2016/17. This shows significant progress in the efforts of the GoN for gender responsive budget allocation. The Federal Government is planning to bring gender responsive budget planning at the Provincial and Local Levels.

Women and peace and security

28. The State party indicates that it has been implementing a national plan of action on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008). Please provide information on the obstacles that impede the participation of women in conflict prevention, management and resolution and on the measures being taken to address them. Please state the measures that have been taken: (a) to address impunity for crimes of rape and other sexual violence committed during the armed conflict and provide data thereon; (b) to comply with the Supreme Court decision of 2015 to amend the amnesty provisions of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act of 2014 and to reinstate criminal proceedings for conflict-related sexual violence that had been withdrawn; and (c) to ensure a zero-tolerance policy for the sexual exploitation of women and girls by the State party's security personnel, including border police, immigration officials and peacekeeping personnel (see CEDAW/C/NPL/Q/6, para. 5).

29. Section 2 (j) of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014 has in its definition, enlisted rape and sexual violence as the serious offence involving gross violation of human rights. Under Section 13, the Commission has the power to investigate into reported gross violence on the basis of the complaint of victim and Section 25 provides for subsequent action and suspension from duty and reporting to the authorities for legal action if the allegation is found to bear merit. Section 26 also provides that the Commission cannot make recommendation for amnesty to the perpetrator who has committed rape or sexual violence. The Commission has been investigating those reported cases.

30. Section 219 of the Penal Code criminalizes rape with severe punishment. Sections 221, 222, 223 and 219 of the Penal Code penalises everyone who commits the act of rape in custody or under their protection, or in any government or private office with added punishment. The Penal Code also increases the minimum age limit for valid consent, from 16 to 18 years, and any act of sexual intercourse with such underage person is considered rape and the consent given by such underage person to be invalid. Under the code whoever commits murder of the victim after rape is liable to the harsh punishment of imprisonment throughout life.

31. Sexual Violence related code of conducts has been implemented for the officials of security forces which prohibits the sexual misbehaviour at workplace. Sexual Harassment at Workplace (Control) Act, 2015 has the provision of restricting any kind

of sexual misbehaviour committed by, or caused to be committed by, any person in abuse of his/her position, power or by imposition of any type of coercion, undue influence, or enticement would constitute sexual harassment.

32. A total of 537 police personnel were given training on "Capacity Enhancement of Nepal Police to Contribute Peace Process Effectively" focused on Women, Peace and Security as per the resolution number 1325 and 1820 of United Nation Security Council.

Temporary special measures

33. In its previous concluding observations, the Committee expressed concern that the State party did not systematically apply temporary special measures as a necessary strategy to accelerate the achievement of de facto or substantive equality between men and women, in line with its general recommendation No. 25 (2004) on temporary special measures (CEDAW/C/NPL/CO/4-5, para. 15). Please indicate the measures, including training, being taken to ensure that legislators, judges and law enforcement officials can acquire conceptual clarity on substantive equality. Please provide information on the specific temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women, in particular in the public sector, and the extent of their effectiveness. Please state the measures being taken to introduce legislation on temporary special measures for women and to address the inequality and discrimination experienced by disadvantaged groups of women, in particular Dalit and indigenous women and girls (see CEDAW/C/NPL/Q/6, para. 6).

34. The National Judicial Academy conducts regular training programs on gender justice and access to justice to the judges of the different levels of Courts. The Judicial Services Training Centre and Nepal Administrative Staff College conduct regular training programs on gender equality for government officials. Similarly, Nepal Police Academy also provides training to their officials on gender, violence against women and GBV. The MoWCSC provides two days training to gender focal person of various ministries, departments and constitutional bodies. These trainings do include various topics such as concept of gender equality, formal versus substantive equality, gender mainstreaming, GBV, violence against women and so on.

35. The Constitution ensures inclusive representation in national structures including elected bodies at the Local, Provincial and Federal levels. Election Commission has been putting persistent efforts aimed at mainstreaming equal participation of women and men in political process. The Commission has developed various policies to achieve its aim: Gender and Social Inclusion Policy (2013), Gender and Social Inclusion Strategy (2015–2020), Gender and Inclusion Action Plan (2015–2018). There are several legislations that ensure women's participation (minimum 33%) at all level of elected bodies as provided by Political Parties Act, 2017, House of Representative Election Act, 2017, Province Assembly Election Act, 2017, National Assembly Election Act, 2017, Local Level Election Act, 2016. In order to make Civil Service inclusive, the GoN has amended Civil Service Act, 1992. All laws governing various government services including Nepal Police, Nepal Army, and Armed Police Forces are having such provisions so as to ensure gender inclusion in those services.

36. Section 6 (2) of the Local Level Election Act, 2016 reserved two seats for women (one for *Dalit* Woman) at each Local Government Ward Committee. Election Commission Act, 2017, the Political Parties Act, 2017, and the Electoral Rolls Act, 2017 provides for positive discrimination in the form of reservation for women as temporary measures to accelerate the achievement of substantive equality. Section 4 and 5 of Province Assembly Members Election Act, 2017provides for special

measures for reservation of seats for proportional representation of women. It has provided for 50% seats for women in the proportional representation list which ensures inclusivity. As a result, there are 32.73% women in the House of Representatives, 37.29% in the National Assembly, 34.36% in Provincial Assembly and 40.96% in Municipal and Rural Municipal Assembly. Present status of representation of women in politics is given in Annex III.

Stereotypes and harmful practices

37. In its previous concluding observations, the Committee expressed concern about deep-rooted stereotypes and patriarchal attitudes that discriminate against women, which are entrenched in the State party's social, cultural, religious, economic and political institutions and structures, including the media (ibid. para. 17). Please provide information on the specific measures being taken to eradicate stereotypes that perpetuate discrimination against women, such as the preference for having sons, and the restriction preventing lactating mothers from seeking foreign employment for up to two years. Please describe the steps taken to develop policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large (see CEDAW/C/NPL/Q/6, para. 7).

38. Section 15 of the Civil Code explicitly prohibits any traditions and customs that are contrary to the law. Section 168 (3) of the Penal Code criminalises the practice of *Chhaupadi* during the period of menstruation or during the postnatal period or similar discrimination of untouchability or inhuman behaviour. Nepal has ratified the Convention on the Rights of Child (CRC) in 1990 and subsequent to its ratification it has enacted the Children's Act, 1992; and Child Labour (Prohibition and Regulation) Act, 1999. The Children's Act clearly promotes the equal treatment between son and daughter.

39. A new Child Rights Act, 2018 has been enacted by the Federal Parliament with a view to enforce the rights of children as guaranteed by the Constitution. The Penal Code prohibits and criminalizes the sex-selective abortion. Section 8 of the Foreign Employment Act, 2007, prohibits gender discrimination. A man or woman has the right of equal opportunity for foreign employment. Moreover, Section 6 of the Labour Act, 2017 requires an employer to follow non-discrimination principle and Section 8 of the Labour Act, 2017 provides for equal pay for equal value of work. The GoNis under process of reviewing "Guidelines on Women Domestic Migrant Workers" which prevents lactating mother for seeking foreign employment considering the Nepal's commitment towards both CRC and CEDAW.

40. The annual budget and program for the FY 2018/19 provides budget for conducting awareness programmes for anti-child marriage, Dowry, *Tilak*, *Deuki*, Witchcraft, *Chaupaddi*, and all such superstitious beliefs, harmful practices and traditions, and violence against women. Pursuant to Section 12 (2) (C) (32) of the Local Government Operation Act, 2017, Local Governments are responsible for addressing the issues related to child marriage, GBV, untouchability, dowry, *Chaupadhi*, *Kamlari*, child labour, human trafficking along with all kind of evil social practices. Based on the provisions, Local Governments have prioritized their programs and budget. The GoN has been creating awareness on above stated issues through school education. For instance, the issue related to domestic violence, anti-human trafficking, women's rights, harmful practices have been incorporated in school curriculum, particularly to basic level education.

41. The State party indicates that it, in collaboration with civil society organizations, is implementing campaigns to address harmful practices, such as forced and child marriages and accusations of witchcraft (para. 27). However,

information before the Committee indicates that, despite the prohibition of child marriage by law, the practice remains common in the State party. Please provide information on the measures taken under the national strategy to end child marriage, adopted in 2016, to eradicate the practice and to amend the Criminal Code, which currently punishes minors for marrying below the minimum legal age of marriage. Please describe the measures being taken to harmonize the General Code and the Criminal Code, which have contradictory provisions with regard to the legality of child marriage. Please also provide information on: (a) progress achieved in eradicating the practice of isolating menstruating women and girls following the issuance of directives by the Supreme Court in 2005; (b) measures taken to protect and reintegrate former girls who had been offered for domestic work to families of landlords; (c) measures taken to eradicate the tradition of offering girls to deities to fulfil religious obligations; and (d) measures taken to address the forced genital mutilation of and discrimination against intersex persons, including reported cases of abuse, infanticide and forced marriage (see CEDAW/C/NPL/Q/6, para. 8).

42. Section 173 (1) of the Penal Code prohibits child marriage and marriage before the age of 20. Section 173 (2) makes child marriage void *ab initio*. Section 173 (3) of the Penal Code provides that whoever effectuates such marriage shall be liable to a punishment with an imprisonment of up to three years and up to a fine of NRs 30,000. With the enactment of the Civil Code and Penal Code replacing the historic General Code 1963, there remains no contradiction as to the legality of child marriage. All such marriages have now completely been declared null and void. Section 168 (3) of the Penal Code criminalises the practice of *Chaupadi* during the period of menstruation or during the postnatal period.

43. According to the GoN's record there were 9,490 *Kamlaris* in six districts who have been now freed. The GoNhas issued identity cards to these girls in three districts and planning to issue the cards to the remaining districts.

44. Existing law strictly prohibits the tradition of offering girls to deities to fulfil religious obligation. Now, this tradition has been completely abolished.

Violence against women

45. The State party reports that a national steering committee set up under the Prime Minister to address gender-based violence has been active in speeding up measures for effective implementation and monitoring and that the Gender Coordination and Empowerment Unit has assumed the lead role in mobilizing national capacity for managing and monitoring reported cases of violence against women (para. 32). Please provide information on challenges and achievements in the operationalization of the Gender-based Violence Information Management System to collect nationwide data on cases of violence against women and girls, including domestic violence (para. 36). Please provide an update on the results following the implementation of the national strategy and action plan on gender empowerment and ending gender-based violence (para. 41). Please also state the progress made in raising money for the Gender-based Violence Elimination Fund and the Emergency Child Rescue Fund (see CEDAW/C/NPL/Q/6, para. 9).

46. The Nepal Police has established GBV information management system to collect nationwide data on cases of violence against women and girls. The system maintains data of all cases reported to the Nepal Police. NWC maintains the data of cases on violence against women reported to the NWC.

47. There are a few challenges still remaining in the operationalization of the GBV information management system. The key challenge is the multiple reporting mechanisms such as Nepal Police, Court, NWC and Local Level.

48. The GoN annually allocates around NRs. 10,000,000.00 (ten million) to the Gender-based Violence (Elimination) Fund and, NRs. 1,000,000.00 (one million) to the Child Rescue Fund.

49. Please provide information on the number of cases involving violence against women, including domestic violence, that have been reported, investigated and prosecuted and on the nature of sanctions imposed on perpetrators. Please indicate whether the State party plans to further extend the statutory limitation beyond six months for the crime of rape or to eliminate it altogether, in order to combat impunity (para. 35). Please describe the measures being taken to combat marital rape, including by increasing sanctions so that they are commensurate with the gravity of the crime. Please also provide updated information on the current situation with regard to support services, protective measures and shelters available to women and girls in all regions of the State party, including among disadvantaged groups of women, such as Dalit and indigenous women and girls (see CEDAW/C/NPL/Q/6, para. 10).

50. In the FY 2016/17, a total of 1,874 rape cases were filed in the court out of which convictions were made in 654 cases, and acquittal in 333 cases. A total of 870 cases of attempt to rape were filed out of which convictions were made in 270 cases and acquittal in 275 cases. A total of 329 cases of human trafficking and transportation were filed, out of which convictions were made in 121 cases and acquittal in 91 cases. In case of bigamy, a total of 763 cases were filed out of which convictions were made in 272 cases and acquittal 132 cases. In the same FY, 579 domestic violence cases were filed at courts.

51. The Penal Code has extended the current statutory limitation period to file rape case from six months to one year. In cases of rape to a detainee woman, abducted woman, woman under control of a person, the limitation period to file case is three months after the victim is released or freed.

52. The Penal Code substantially increases punishment in marital rape from three months to six months to a period of five years of imprisonment under Section 219 (4). Section 219 (5) of the Penal Code provides for shelter, food, safety from physical violence, must display good husband behaviour, medical expenses, alimony, prevention from torture, ensure necessary steps to be taken to ensure wife's benefits and security in case a marital rape case has been filed against the husband.

53. The GoN has established various service mechanisms to provide services and support to victims of GBV that include victims from disadvantaged groups of women such as *Dalit* and Indigenous women and girls. For instance, there are 36 Safe Houses, 10 Rehabilitation Centres for Victim of Trafficking, and one Long Term Rehabilitation Centre. The GoN has established hospital based on one stop Crisis Management Centre (OCMC) in 46 districts.

Number of victim received services from various mechanisms

SN	*Services mechanism*	*No. of victims who received services*
1	OCMC	12 000 (till July 2018)
2	Service Centre	4 432 (FY 2012–2017)
3	Rehabilitation Centre	5 197 (FY 2012–2017)
4	Long-term Rehabilitation Centre	44 (FY 2016–2017)

54. The Gender Based Violence (Elimination) Fund supports the legal aid, health services, psychosocial counselling, emergency support, income generating support to the victim of GBV.

Trafficking and exploitation of prostitution

55. Please provide information on the specific steps being taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to integrate its provisions into national law. Information before the Committee indicates that women and girls are trafficked for purposes of sexual exploitation and domestic work. Please provide information on the progress in and challenges to the implementation of the national plan of action to combat trafficking in persons since 2011 and the national plan of action against trafficking in women and children since 2012 (para. 47). The State party indicates that a fund for the rehabilitation of survivors of trafficking has been established in each district (para. 48). Please provide information on the number of women and girls who were victims of trafficking who have benefited from the fund. Please indicate the measures being taken to increase the number of rehabilitation homes and centres, and describe the services that exist in the State party for victims of trafficking, in particular women and girls. Please provide details on efforts to support women and girls at risk of trafficking following the earthquake that occurred in 2015, and specifically on existing mechanisms for access to justice and alternative livelihood options. Please also provide updated information on any measures taken, including entering into bilateral and regional agreements with neighbouring countries, to combat trafficking in women and girls, as previously recommended by the Committee (CEDAW/C/NPL/CO/4-5, para. 22 (d)) (see CEDAW/C/NPL/Q/6, para. 11).

56. The GoN has initiated preliminary works with a view to ratify the Trafficking in Persons Protocol (Palermo Protocol) by forming an inter-ministerial committee which has been carrying out necessary works in this regard.

57. The GoN in 2017 conducted a Mid Term Review (MTR) on the implementation of the National Plan of Action (NPA). The NPA has five key pillars i.e. prevention, protection, prosecution, capacity building and coordination. The MTR identified that out of 163 interventions planned under the NPA, 79 of them were fully implemented and the rest were partially implemented. The major gaps identified by the MTR are as follows:

- Duplication of activities both at NGOs level and Government level;
- Lack of conceptual clarity on exploitations caused due to forced labour migration and human trafficking;
- Lack of constructive engagement by private sector in preventing the cases of human trafficking.

58. The GoN has established the Rehabilitation Fund to operate rehabilitation centres. The GoN has been supporting ten rehabilitation centres for the victims of trafficking in Nepal and one in Kolkatta, India. The Foreign Employment Promotion Board has supported three transit shelters within the country and has supported Nepali diplomatic missions in seven Gulf and Middle-East Countries to rescue and repatriate and extend other necessary support to victim migrant workers. These transit centres in the Gulf countries provided services to 1,246 trafficked victims and survivors. In addition, there are some shelter homes being run by NGOs with support from private foundations and development cooperation. The GoN has planned to establish at least one rehabilitation centre at each Province during the FY 2018/19 under the government flagship program entitled "Presidential Women Upliftment Program".

59. Major services available for the victims and survivors of human trafficking include: rescue, repatriation, foods and shelter, medical treatment and free legal aid, psychosocial counselling, education, skills/trainings and income generation support.

In the FY 2016/2017, within the first eight months, rehabilitation centres in 10 districts rescued 911 women trafficking victims and provided subsequent services.

60. The interventions carried out to support women and girls at risk of trafficking following the 2015 earthquake were mainly targeted on mobility monitoring of women and children and; communicating the risk group (foreign employment seeking men and women) about the risk and alternatives. The monitoring of mobility, prohibiting inter-country adoption, mandatory approval from the designed government authority for taking children out of district and also promoting local monitoring groups actions and information campaign contributed on preventing trafficking during the emergency context of the earthquake. The development agencies and NGOs also added their support and facilitated for preventing human trafficking during the post-earthquake response. The state and non-state interventions on post-earthquake disaster was highly effective during this emergency period for preventing trafficking.

61. The Nepali diplomatic missions mainly in Gulf countries and South East Asia reactively pursuing on the matter of signing bilateral agreements on labour migration. Measures taken on entering into bilateral and regional agreements with neighbouring countries, to combat trafficking in women and girls are: Nepal has signed separate bilateral Labour Agreement with Qatar and Jordan, and Memorandum of Understanding (MOU) has been signed with Korea, Japan, United Arab Emirates, Bahrain and Israel. Measures have been taken for signing MOU with Oman and other potential countries of labour destination. As the current Chair of Colombo Process and Deputy Member in the Governing Body of ILO Nepal is working jointly with member countries for safe, orderly, and regular migration.

Participation in political and public life

62. In its previous concluding observations, the Committee expressed concern about the underrepresentation of women, in particular Dalit and indigenous women, in high-level decision-making positions, public service, the judiciary and the diplomatic service (ibid. para. 23). Please provide information on the level of representation of women in those areas, and in academia, and on the specific measures that the State party is taking to address their underrepresentation. The State party indicates that, in 2016, the Government submitted a bill to amend the Local Bodies (Election Procedure) Act of 1992, in an effort to ensure that at least 50 per cent of candidates from each political party in an election are women (para. 52). Please provide information on the status of the bill and whether sanctions for non-compliance are envisaged. Please state whether measures are being taken to reform electoral quotas to ensure that specific quotas are introduced to allow women to participate in the two electoral systems, in order to grant them the opportunity to run in elections. Please indicate the other strategies and programmes in place to address such obstacles as discriminatory cultural and traditional beliefs and gender stereotypes that prevent women from participating in political and public life (see CEDAW/C/NPL/Q/6, para. 12).

63. Articles 38, 40, 252, 253, 255, 256, 258, 259 and 261 of the Constitution have guaranteed representation of women and *Dalit* women through the principle of proportional representation in all bodies with special provisions for participation in public services and other sectors of employment.

64. Section 6 (2) of Local Level Election Act, 2017 reserves two seats for women (one for *Dalit* woman) at the Municipal and Rural Municipal Ward Committee. As a result, 6,567 *Dalit* women have been elected in the Local Government. Likewise, the Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, *Tharu* Commission Act, 2017, Indigenous Nationalities Commission Act, 2017 are instances of serious efforts made by Nepal towards addressing underrepresentation of

women from respective communities in respective commission. Section 10A (b) (d) (e) (f) of Scholarship Related Regulations, 2003 provides special scholarship quotas to women, indigenous, *Dalit* and people living in backward areas.

65. Out of nine members in the District Coordination Committee, at least three women and at least one member from Dalit or minority community must be elected. Members of the Municipal and Rural Municipal Assembly within the concerned district are eligible for the election of the District Coordination Committee.

66. The Constitution and Local Level Election Act requires to reserve at least 50 per cent women candidates on candidate lists of all political parties including for the position of Chair, Vice-Chair, Mayor and Deputy Mayor, Chief and Deputy Chief of District Coordination Committee.

67. Province Assembly Members Election Act, 2017, in Section 4 and 5, provides for special measures for reservation of seats for proportional representation of women. It has provided for 50% proportional representation of women in the list which ensures inclusivity. Likewise, Federal Parliamentary Election Act, 2017, ensures the 33% women representation in Federal Legislature. The Act has provided for 50% proportional representation of women in the list which ensures inclusivity.

68. In terms of diplomatic assignment at current stage, there are five woman Ambassadors representing Nepal to various countries abroad. In accordance with the Civil Service Act, 1992 and Civil Service Rule, 1993, there is a provision for the reservation of 45 percent of seats in the open competition for marginalized groups under the clusters of: women, indigenous nationalities, *Madheshi*, *Dalit*, person with disability and backward region. Out of these, 33 percent seats are reserved solely for women candidates. The Foreign Service of Nepal has a total of 312 posts. Out of this 61 posts are filled by women employees, which is about 20 percent of total posts. At Section Officer Level, the percentage of women participation is 25 percent and it is increasing every year. In addition to this, the Constitution has provided for widening the cluster groups to make it broader and more inclusive. The Federal Civil Service Bill is at the final stage of preparation and upon conclusion of this process and commencement and implementation, the representation of woman in overall public service including diplomatic service is expected to further increase. Present status of representation of women in civil service is given in Annex IV.

69. The Election Commission Act, 2017, the Political Parties Act, 2017, the Electoral Rolls Act, 2017 all provide for positive discrimination in the form of reservation for women in such fields as temporary measures to accelerate the achievement of substantive equality.

70. There is a mandatory provision that there should be at least one female teacher at basic level school (grade 1–8). With this compulsory provision, the participation of female teacher at basic level is 41.1 percent. Likewise, participation of female teacher at secondary level school (grade 9–12) is 19.2 percent. There are 99 percent women facilitators in Early Child Development program. For detail refer to the answer to the issue 6 above.

Nationality

71. In its previous concluding observations, the Committee expressed concern regarding, among other things, the obstacles affecting women who wish to transfer Nepalese citizenship to their children and foreign husbands and women married to Nepalese men who wish to obtain citizenship certificates, and the persistence of underlying conditions obstructing access to citizenship, including poverty, geographic isolation and onerous administrative requirements (CEDAW/C/NPL/CO/4-5, para. 25). Please provide updated information on the steps taken to address these

concerns, in particular to ensure that women and men can transmit nationality on an equal basis. Please provide information on measures being taken to remove the restrictions placed on women by the Constitution of 2015 with regard to independently passing on their citizenship to their children and to remove all administrative obstacles that impede women from obtaining citizenship certificates in order to prevent statelessness. Please also provide information on measures being taken to ensure universal birth registration in the State party. Please describe the steps being taken to amend the Birth, Death and Other Personal Events (Registration) Act of 1976 to remove barriers so that women may independently register the births of their children (see CEDAW/C/NPL/Q/6, para. 13).

72. Article 10 (1) of the Constitution provides that no citizen of Nepal be deprived of the right to obtain citizenship and Article 10 (2) provides for single federal citizenship with Provincial identity. All 77 District Administration Offices and 74 Area Administration Offices and Border Administration Offices are entitled to issue citizenship certificate. The integrated mobile service camps are functional in all districts covering all geographically remote area to ensure the access of women, senior citizens and persons with disability. A foreign woman married to a Nepali man may get citizenship with due process of law. The citizenship of Nepali woman married with foreign man and residing in foreign country will be continued unless she surrenders her Nepali citizenship or she chooses to take citizenship of foreign country.

73. The Department of Civil Registration (DoCR) has been implementing Strengthening System of Social Protection and Civil Registration project to increase the coverage of Civil Registration. Additionally, the DoCR has already started online registration of vital events which simplify the overall process and increase access to citizen.

Education

74. The State party indicates that the eighth amendment to the Education Act of 1971, adopted in 2016, further ensures free education up to the secondary level (para. 241). Please provide information on the specific measures being taken to reduce the extremely high dropout rate for girls and to address urban-rural disparities in access to education and in illiteracy rates among women and girls in the State party (CEDAW/C/NPL/CO/4-5, para. 27). Apart from the school food programme, please provide information on measures in place, including the provision of incentives such as scholarships, to encourage girls, in particular those in rural areas, to remain in school. Furthermore, in the light of information that girls frequently drop out of school owing to marriage and pregnancy, please provide information on the steps taken, including policy measures, to encourage pregnant and married girls to continue their education. Please provide data on the number of girls entering technical and vocational education and training and the nature of the courses pursued (para. 71). Please also provide information on measures taken to improve access to education for and literacy among disadvantaged groups of women and girls, including indigenous and Dalit women and girls and women and girls with disabilities (see CEDAW/C/NPL/Q/6, para. 14).

75. The GoN has been initiating school admission campaign to ensure access of all school going age children to compulsorily admit to schools. The GoN has made the basic level education free and compulsory with the aim to declare Nepal as "Literate Nepal" (*Sakchyar Nepal*) within the year 2020 in coordination and collaboration with Provincial and Local Governments. In the annual policy and program of FY 2018/19, the GoN has introduced the school campaign program called *Bidyalayalyaun, tikaun, sikaun* (All children must be brought to school, retain and taught in School). This campaign has been successful to bring thousands of out of school children into the school.

76. The GoN has implemented various scholarship programs to address the high dropout rate of students, particularly for girls. The major scholarship program includes 100% girls scholarship program (GSP), *Dalit* Scholarship, poor and talented scholarship, disability scholarship, scholarship for marginalized and endangered and *Karnali Zone* scholarship. These targeted interventions helped in increasing students' enrolment rate and the school retention rate of girls.

77. Nepal is committed to enhancing access to education for all with special emphasis for the girls, poor and disadvantaged groups. As a result, net enrolment rate in basic level has reached 96.6 percent in 2017. The numeracy rate for all of 15 years and above age has reached to 62.2 percent and literacy rate of population of age of 15–24 years has reached to 88.6 percent. Likewise, 81 percent of the children have attended early childhood education programs. Gender parity has been achieved in basic level and almost achieved in secondary level which is 0.99. The adult female literacy rate for the population aged 15 years and older has increased drastically.

78. Law strictly prohibits child marriage. The Penal Code restricts entering into or causing anyone to enter into a marriage without attaining the age of twenty years in the case of both man and woman. The marriage solemnized in contradiction of the above shall be void automatically. Whoever commits such offence shall be liable to a punishment with an imprisonment not exceeding three years and with a fine not exceeding thirty thousand rupees.

79. Technical training centres and vocational training institutions have accessed at all local levels for providing skill training. In community schools, for conducting technical sessions, additional Rs. 843 million has been allocated for the current FY 2018/19. The GoN has introduced and implemented a program to provide for educational loans at 5% interest rate for the marginalised groups.

80. The Council for Technical Education and Vocational Training (CTEVT) under the Ministry of Education, Science and Technology is committed for the production of technical and skilful human resources to the nation. During the FY 2016/18, out of total 16,619 enrolled persons for vocational and technical education in CTEVT, 51.33 percent were women whereas 48.33 percent were men. The number of girls entering technical and vocational education and training and the nature of the course pursued are presented in Annex V.

Employment

81. Please provide information on measures being taken to eliminate horizontal and vertical segregation in the labour market and to reduce the gender wage gap in the public and private sectors. The State party indicates that the agricultural sector remains the main employer, with 75 per cent of women engaged in agricultural occupations, 10 per cent of whom are paid in kind (para. 80). Please indicate the steps taken to ensure access to social protection and benefits, including the right to basic health care, for women in the informal sector. Please describe the measures being pursued to eliminate wage discrimination between men and women, especially in the informal sector. Please also provide data on the number of complaints filed and investigated under the Sexual Harassment at Workplace (Offence and Punishment) Act of 2015 (para. 83). Please indicate the steps being taken to effectively implement the law (see CEDAW/C/NPL/Q/6, para. 15).

82. Labour Act, 2017 sets the minimum standard in relation to the wage and other benefits for the workers. In order to reduce the gender wage gap in the public and private sectors, Section7 of the Labour Act, 2017 has provided for equal pay for equal value of work. Moreover, non-discriminatory principle incorporated in Section 6 of the Act ensures equal opportunity for both men and women at work. The Minimum Wage Fixation Committee on Section107 of the Act ensures a decent wage for

workers. The GoN has set a monthly wage for workers both male and female at NRs 13,450.00 effective from July 17, 2018. Similarly, daily minimum and hourly minimum wage is set as NRs 517.00 and NRs 69.00 respectively.

83. Department of Labour and 10 Labour Offices are responsible for ensuring the implementation of the provisions in the labour law. Labour Inspectors and Occupational Safety and Health Inspectors are deployed for regular inspection and monitoring.

84. The GoN has taken legislative measures to ensure access to social protection and benefits, including the right to basic health care. The Labour Act, 2017 is applicable to every entity that includes informal sector and to domestic workers. It has made certain provisions relating to domestic workers such as minimum remuneration, public and weekly holidays and festival leaves as per their culture, religion and tradition.

85. Some significant changes have been introduced in the respective legislations with regard to the terminal benefits provided to the employees which stipulates that the benefits are provided to each laborer irrespective of length of service or nature of employment. There have also been improvements in the benefits such as rate of gratuity and leave encashment. The Act has specified the duties of employer towards workers which include making appropriate arrangement for occupational health and safety ensuring no adverse effect on workers from use, operation, storage or transport of chemical, physical or biological liquids, disseminating necessary notice, information and training related to safety, health arrangements etc. It also sets out the general obligation of employer towards non-workers such as putting the signs to indicate the safety or health hazards, to manage the gas and chemicals waste of the entity so as not to cause adverse effect on local animals, people or environment.

86. Section 6 (1) of the Labour Act, 2017 ensures the right against discrimination amongst employees based on religion, race, sex, caste, tribe, origin, language and ideology or similar other grounds. The Act further provides that no discrimination shall be made on the ground of sex with regards to equal remuneration for equal value of work. Equal value of work is determined based on the nature of work, consumption of time, skill required and production among others.

87. The Contribution Based Social Security Act, 2017 has been enacted. This Act is applicable to employees in informal sectors and self-employed employees as well. The Act has provisioned for the Social Security Fund and also specifies the scheme that operates for welfare of the employees. The schemes include (a) medical and health protection, (b) maternity protection, (c) accidental protection, (d) old-age protection, (e) dependent family protection and (f) unemployment protection. The fund is empowered to expand such schemes on various other titles.

88. The GoN has initiated implementing the anti-sexual Harassment Code of Conduct at the Workplace of every governmental institution. In line with this spirit, the MoWCSC has endorsed and implemented the Anti-sexual Harassment Code of Conduct at Workplace.

89. The State party indicates that the rehabilitation process for freed bonded labourers and freed child bonded labourers is in its final stages (para. 79). Please provide an update and timelines on the status of that process and on the measures in place to monitor the implementation of laws that prohibit the practice of bonded labour in the State party. Please provide information on any public outreach campaigns undertaken to inform the population about the need to protect children, in particular girls, from bonded labour and to ensure their access to education (see CEDAW/C/NPL/Q/6, para. 16).

90. The GoN is committed for eradication of all forms of forced labour including child labour. Section 6 of the Labour Act, 2017 defines forced labour as "*Any work or service performed by any worker against his/her will as a result of a threat of taking any action having financial, physical or mental impact if he/she does not perform such work*". Pursuant to Section 164 of the Labour Act, if any person is engaged in bonded labour, the employer may be punished by the Labour Court with imprisonment up to two years or a fine up to five hundred thousand rupees or both and may require such person to pay remuneration and other benefits including a damage equivalent to two times of that amount. In addition to this, if any Nepali citizen is engaged in bonded labour outside the territory of Nepal, the person involved in such act shall also be ordered to pay the expenses incurred to bring the affected person to Nepal.

91. The GoN is committed to eliminate all forms of child labour by 2025. The Second National Master Plan for Elimination of All Forms of Child Labour (2018–2028) has been approved by the Council of Ministers of the GoN and is being implemented. Likewise, Child Labour Inspectors were trained as Training of Trainers and several awareness programs were also conducted through electronic and mass media.

Health

92. The State party indicates that the implementation of the national safe motherhood and newborn health long-term plan, covering the period 2006–2017, has generated positive impacts on infrastructure development and the delivery of maternal health services at the rural level (para. 87). Please describe the specific impacts that the plan has had in reducing maternal and child mortality and the measures being taken to adopt a new plan. Please also provide information on access to health services for women and girls who were victims of the earthquake of 2015 and on the existence of an integral health policy for women and girls with disabilities, including facilities for leprosy and cancer rehabilitation services (see CEDAW/C/NPL/Q/6, para. 17).

93. Implementation of National Safe Motherhood and Newborn Health Long-term Plan (2006–17) contributed in the improvement of service availability and utilization as well as improved maternal newborn and child health status. During the implementation phase such service centres were expanded, more health workers were trained and community-based interventions were intensified.

94. Districts with Caesarean Section services were increased from 33 in 2006 to 72 in 2017. The Ministry of Health and Population (MoHP) trained more than 7,000 skilled birth attendants and expanded safe delivery services. Health centres with birthing facility increased from 500 sites (2006) to 2039 sites (by 2016/17), *Aama* programme was introduced in 2009 with a provision of providing free delivery and transport incentive to the service taking mothers. In order to motivate pregnant women to come to avail safe health delivery services while giving birth of her child, the GoN provides Rs. 1,500, 1,000, and 500 based on the region: Himalaya, hill and Terai respectively as an incentive to such women. This programme further encouraged more pregnant women to take safe delivery from the designated health facilities.

95. Safe abortion service was introduced in 2004. By 2017, Nepal has more than 1,075 first trimester safe abortion services sites and 29 second trimester safe abortion services sites across the country. In the last decade, eighty to ninety thousand (80,000–90,000) women received safe abortion services every year.

96. The MoHP continues to strengthen community-based interventions through Female Community Health Volunteers (FCHV). The MOHP also started community-based interventions such as Misoprostol for presentation of post-partum bleeding, Chlorohexidine to prevent new born infection and community-based integrated

management of new born and childhood illnesses, which resulted in an increment in service access at community level especially for women and children from marginalized communities.

97. Interventions to improve service quality at delivery points were initiated. Minimum service standard to strengthen hospital management and quality of care was introduced in 84 district level hospitals. Quality improvement process for improving service readiness was introduced in more than 1000 health facilities. On-site clinical coaching/mentoring, especially for Skilled Birth Attendants (SBA), was provided to more than 1200 SBAs.

98. The aforesaid measures contributed for an increased service access and decline in maternal mortality from 281 to 239 per 100,000 Live Births (LBs) within last 10 years. The new born mortality rate decreased from 33/1000 LBs in 2006 to 21/1000 in 2016.

99. Through the budget allocated for health, the GoN has given priority to ensure the health and welfare of mother and child and nutritional needs during the pregnancy including safe maternity. The government has doubled the maternity benefits as well as the incentives given to mothers for transportation services taken to undergo pregnancy tests at the medical facility centres.

100. The earthquake 2015 and subsequent aftershocks caused extensive damage to public health facilities in the 14 worst affected districts, with complete damage to 265 health facilities and partial damage to 119 health facilities. Under the health cluster, Reproductive Health (RH) sub-cluster was formed under the supervision of the MoHP. RH sub-cluster supported restoring birthing centres and RH services at health facilities in 14 most affected districts. To improve protection of girls and access to services for women and girls with GBV, One Stop Crisis Management Centres (OCMC) have been established in 46 districts with referral link to treatment and support services. These efforts have resulted in RH service available and ready. As a result service utilization rate of these districts continues to increase in comparison to national service utilization rates.

101. The State party indicates that its HIV investment plan, covering the period 2014–2016, was implemented with a view to ensuring gender sensitivity in addressing sexually transmitted infections, HIV/AIDS and sexual and reproductive health issues (para. 92). Please provide information on measures being taken to adopt a new plan and to ensure that an assessment is conducted regarding the challenges and opportunities that arose in implementing the 2014–2016 plans. Please provide data, disaggregated by age group, on the number of women and girls who are HIV-positive in the State party and information on measures to increase the availability of contraception, in particular in rural areas. Please describe the steps being taken to amend the General Code to decriminalize abortion in all cases. Please provide an update on progress made towards adopting the bill on reproductive health. Please also provide information on whether sexual and reproductive health education is targeted at both girls and boys, pays special attention to the prevention and control of sexually transmitted infections and is easily available in remote and rural areas (see CEDAW/C/NPL/Q/6, para. 18).

102. The GoN faced some challenges to implement HIV investment plan. Many non-governmental organizations were found uncomfortable in providing financial data with a reasonable level of details in reference to Nepal National AIDS Spending Assessment (NASA) classification. It delayed in submitting the data from a large number of such organizations. Some agencies (particularly multilateral and bilateral ones) were often reluctant to provide details of expenditure and when provided such information their information was vague on benefit related expenses under different heading/categories (wages, remuneration, international training/visits). On this

matter, national NGOs (provider) were found more transparent in providing their expenditures data. Moreover, provider's interpretations and NASA coding varied enormously even for the similar nature of expenditure; therefore, maintaining consistency in coding was a significant challenge. Details of functions (AIDS Spending Category) and production factor (PF) category varied enormously even for the similar activities.

103. There were significant variations in accounting systems (software used), fiscal years and the classification of spending among national institutions and donor-supported projects, which created challenges for data synthesis and comparability. For example, the GoN's fiscal year starts in July whereas different donors have different fiscal years. There were some capacity related and institutional memory issues with regards to financial information which resulted in serious delays in identifying appropriate documentation and in classifying appropriate category.

104. The GoN needs to consider following recommendations to overcome the challenges in coming days: To ensure better accountability and transparency and honoring the rights to information of responses to HIV and AIDS programme; a system needs to be set up to centrally obtain financial expenditure information from all the fund managers (Agent) operating in the country in an agreed format and details twice a year: one in July (according to Nepali fiscal year) and one in December (by calendar year). Such information needs to be easily accessed through public domain (i.e. MOHP web site).

105. Among the total people living with HIV (15,722) on antiretroviral therapy (ART-HIV treatment) in Nepal till March 2018, 51.0% (8,023) are men, 48.0% (7,620) are women and the rest 1% (79) are transgender. The age-wise disaggregation showed that 92% (14,427) are above 15 years and 8% (1,295) are children (0-15 years).

106. National Family Planning Costed Implementation Plan (CIP) 2015–20 articulates national priorities for family planning and provides guidance at national and district levels on evidence-based programming for family planning so as to achieve the expected results, as well as to identify the resources needed for CIP implementation. The goal of CIP is to enable "women and girls — in particular those who are poor, vulnerable and marginalised to exercise informed choice to access and use voluntary FP (through increased and equitable access to quality FP information and services)". The CIP focuses on five strategic areas — Enabling Environment, Demand Generation, Service Delivery, Capacity Building and Research & Innovation. Through investment in areas specified in CIP, the country aims to increase demand for modern contraceptives from 56% (NDHS, 2011) to 62.9% and Contraceptive Prevalence Rate (CPR) for modern methods from 47% in 2014 (MICS) to 50% by 2020. The main target population includes adolescent boys and girls, migrant workers, women in post-partum period, female sex workers, and population in remote areas.

107. To improve the survival of women living with HIV/AIDS, National Centre for AIDS and STD Control has been implementing screening for HIV at birthing centres among all pregnant women in 77 districts. If someone is found to be reactive to HIV/AIDS screening, then he or she is referred to nearby HIV/AIDS Testing and Counselling Centres for confirmation of HIV/AIDS diagnosis. If pregnant women are found HIV/AIDS positive at HTC centres, they are referred for treatment, care and support services in nearby ART centres. Currently, there are 175 HTC centres (Hill: 90; Mountain: 19; Terai: 66 centres) in 77 districts and 74 ART centres (Hill: 42; Mountain: 6; Terai: 26 centres) in 59 districts of Nepal. The GoN has initiated ART to pregnant women as soon as possible and to provide prophylaxis to infants to prevent the onward transmission of HIV/AIDS from pregnant women living with HIV/AIDS to her baby. There are 25 Dried Blood Spot (DBS) Sample Collection Sites to detect HIV /AIDS status using DNA PCR test among babies born to women living

with HIV/AIDS. The DNA PCR test is performed at National Public Health Laboratory in Kathmandu. Preventive services (condoms, lubricants) are also provided in both rural and urban areas to all population including women from HTC and ART centres to prevent and control sexually transmitted infections. National Centre for AIDS and STD Control and other organizations also provide nutritional support (food) and financial support (NRs 1,000.00 per month) to women and children living with HIV/AIDS until the child/children become 18 years.

108. Section 189 of the Penal Code lays down certain grounds under which abortion is allowed. The criteria to qualify for a lawful abortion include: the consent of pregnant women, abortion within 12 weeks, threat to life of the pregnant women mentally, physically, or abnormal child in the womb, with the written direction and advice of the medical expert, pregnancy conceived due to rape or incest within 18 weeks and; if affected by HIV or other fatal incurable disease.

109. The Constitution has guaranteed the reproductive health right as a fundamental right. In order to decriminalize abortion and ensure abortion on right-based approach, a comprehensive RH Bill comprised of Safe Motherhood, Safe Abortion, FP, ASRH and RH Morbidity has been submitted in the Federal Parliament which was prepared in consultation with relevant experts including lawyers, social activists, health experts and policymakers.

Rural women and disadvantaged groups of women

110. Please provide information on measures taken to enhance the participation of rural women and women living in remote areas in the development of policies and legislation in areas that affect their rights. Please provide information on existing programmes aimed at ensuring that rural women have access to health care, employment, education and credit facilities, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide information on projects in place to create more job and income opportunities for rural women (see CEDAW/C/NPL/Q/6, para. 19).

111. The Constitution has guaranteed at least 33 percent political representations of women in all three tiers of government: Local, Province and Federal. For detail please refer to the answer of issue 6.

112. The GoN's annual plan, policy and budget (2018/19) has given priority for rural women on the following programs: Children of *Dalit* and vulnerable communities are provided free education up to higher-secondary education. GON has stated that at each local level, at least one medical doctor shall be procured and basic medicines production shall be promoted domestically to ensure smooth supply of basic medicines.

113. Hospitals having more than 100 beds should compulsorily develop and expand their services, and at least one hospital ward for senior citizens must be established at each hospital. In collaboration with private medical colleges, mobile hospital services with a provision of at least one medical specialist need to be established in rural areas.

114. Within 2 years, in each ward at least 1 health centre will be established with coordination and participation at the local level. NRs. four billion will be provided in 1200 wards for the establishment of these health centres in the first stage throughout the country. The government will ensure continued access to the previously provided free medicine by all health centres.

115. The Presidential Women Upliftment Program provides opportunities to the poor and marginalised women to be benefitted from skills and entrepreneurship development training which enables them to gain access to work and employment

opportunity and promotes self-employment. To implement this programme a total budget of NRs. 295.7 million has been allocated for the FY 2018/19.

116. The Ministry of Finance in its specific steps to enhance the access of rural women to credit facility and promote their living standard has introduced a programme which grants credit facilities up to NRs 1 million at a concessional interest rate of 5% per year to cooperatives and community production systems run by *Dalit* Community. The MoWCSC has-been allocated a budget of NRs 1.88 billion for the FY 2018/19.

117. Job creation and enabling environment to ensure decent jobs are among the high priorities of the GoN. The GoN through the budget of FY 2018/19 has introduced Prime Minister Employment Program which aims to create 5 million new jobs in 5 years. Moreover, under Contribution Based Social Security Act, 2017, schemes will be developed to ensure health benefits, unemployment benefits and other social benefits to the target communities. This Act has provided for the government's contribution in bringing workers in informal sectors and self-employed persons under social protection net with an objective of reducing their social vulnerability.

118. The Constitution has provided for employment as a basic right. The Karnali Employment Guarantee Program ensures that people, including women from rural Karnali would get employment for at least 100 days every year. The aim was to provide hundred days of guaranteed wage employment to at least on unemployed family of every household.

119. For promising women entrepreneurs, Entrepreneurship Development Fund has been established which gives the women entrepreneurs a loan without collateral. This fund nas been mobilized in 46 districts. If a business is owned by only Women Entrepreneurs, 35% discount is given on the registration fee as a promotional scheme. Similarly, 20% discount on registration fee is given for the registration of the property related to an Industry owned by Women Entrepreneurs. The Company Act, 2007 has a provision to ensure representation of at least one woman in the Managing Committee of a company.

120. Please provide information on the situation of disadvantaged groups of women, in particular older women, lesbian, bisexual and transgender women, women with disabilities, women migrant workers and asylum-seeking and refugee women and girls. Please provide information on the extent to which households headed by women are disproportionately affected by poverty and their lack of access to health services, education, and employment and credit facilities. Please state the social protection measures that are in place to alleviate the gendered impacts of poverty in society. Please provide information on the number of women who have benefited from the Poverty Alleviation Fund and the Micro-Enterprise Development Programme (paras. 119 and 121) (see CEDAW/C/NPL/Q/6, para. 20).

121. The GoN has a plan to develop a mechanism at all three tiers of government to collect information regarding households headed by women who are disproportionately affected by poverty and their lack of access to health services, education, employment and credit facilities. The Constitution authorizes the Federal, Province and Local Level governments to establish data system in their own constituency.

122. The GoN has given priority for the social protection measures as a strategy to address the poverty in society through annual budget and program of FY 2018/19). Since 2008/09, The GoN has been providing social security allowances to single women and members of endangered ethnicity. The age threshold for eligibility to get social security allowances is lower for *Dalits* and the *Karnali* Zone citizens given their lower life expectancy and higher need. There is no age threshold to the widows to receive such allowances. The annual budget and program has emphasized on

developing integrated social protection policy in order to enhance the quality of the program.

123. The Poverty Alleviation Fund (PAF), a targeted programme to reach the poor and needy people, has reached to 60 districts out of 77 districts. The Fund has approached to around 900,000 individuals. Out of them, 78% are women. In order to reach out to the needy people, this fund has created 32,000 groups. There is a provision in the PAF that out of the three key positions (Chair, Vice Chair and Treasurer) two should be from women; indigenous groups and *Dalit* community. As a result, 60% of such key positions are held by women today.

Disaster risk reduction and climate change

124. In the wake of the earthquake that occurred in 2015, please provide information on the steps being taken to ensure that all humanitarian preparedness and response programmes and policies are gender-responsive and address the specific needs of women and girls during and after emergencies. Please describe the steps being taken to ensure the full participation of women in the development and implementation of policies and strategies on climate change mitigation and adaptation. Please indicate the steps being taken to develop gender-disaggregated databases at the federal, provincial and local levels of government on the impact of disasters and of the post-earthquake response on women and girls (see CEDAW/C/NPL/Q/6, para. 21).

125. After the earthquake of 2015, the following policies and programmes have been introduced to ensure gender-responsiveness and humanitarian preparedness:

- Disaster Risk Reduction Policy, 2017 has been adopted;
- Immediate investigation, rescue and relief programme have been effectively implemented;
- Immediate shelter was provided, and targeted people who were at higher risk like women, children, people with disability and senior citizens were provided with separate packages; *Lito*, *Ceralac*, (Nutritious powder food, milk powder) small clothes for children; food with nutrition and sanitary pads were distributed to pregnant and lactating mothers;
- Psychosocial counselling was provided to the target groups of young girls and boys, women and children at the places where such target groups were concentrated following the earthquake;
- Security system was enhanced to reduce the possible human trafficking after the disaster;
- Special programs were designed for poor, marginalized and other people who were adversely affected from after effects of the disaster.

126. The GoN has introduced the Disaster Reduction and Management Act, 2017 which is in force to reduce the risk of potential disaster. Section 39 of this Act provides that the GoN, under the recommendation of the Executive Committee, has set minimum criteria to provide relief with special focus to women, children, senior citizens, and persons with disability.

127. The GoN is working on the following policy documents aimed at providing enough space to incorporate gender component with regards to climate change:

- The National Adaptation Plan (NAP);
- Gender and Climate change Strategy;
- Paris Agreement Implementation Plan.

128. The Ministry of Forests and Environment (MoFE) has further identified the gaps that need to be addressed regarding the list of issues arising through sex-disaggregated data collection and analysis, and conducting research and gender analysis of sectoral issues in each climate change component of Nepal. The MoFE is highlighting any constraints related to discrimination and/or inequality, and capacity issues linked to women's and men's distinct social roles, thereby identifying proposals to address constraints. It is also introducing cost methods for further integration of gender analysis into climate change initiatives across sectors as an issue and specifying financial requirements for improving gender resilience by sectors of climate change in Nepal.

129. The GoN has a plan to develop mechanisms at all levels of government to develop gender-disaggregated database on the impact of disasters and post-earthquake responses on women and girls.

Marriage and family relations

130. In the light of the Committee's previous concluding observations, please provide information on progress achieved in revising discriminatory laws that perpetuate bigamy, unequal inheritance rights for married daughters and the unequal sharing of marital property upon dissolution of marriage (CEDAW/C/NPL/CO/4-5, para. 43) (see CEDAW/C/NPL/Q/6, para. 22).

131. The Penal Code strictly prohibits bigamy. A married person may not enter into another marriage while continuing the earlier marital relationship. The marriage contracted in contravention of stated provision will be automatically void. Bigamy is also punishable offence. The Penal Code has increased the degree of punishment for such crime with an imprisonment of one to five years and fine ranging from ten thousand rupees to fifty thousand rupees.

132. Section 205 and 206 of the Civil Code on Partition of Family Property does not discriminate between son and daughter as both are granted equal status with regard to family property partition. Unlike the past practice, now daughters are not required to return their property after marriage to their parents or brothers. The provision gives equal opportunity to son and daughter to claim the joint parental property even after marriage. The unborn child is entitled to a share in family property.

Amendment to Article 20 (1) of the Convention

133. Please indicate any progress made with regard to accepting the amendment to Article 20 (1) of the Convention (see CEDAW/C/NPL/Q/6, para. 23).

134. Nepal has expressed its firm commitment to accepting the amendment to Article 20 (1) of the Convention at the earliest convenience.